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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,534	09/22/2000	Itaru Seta	32405W056	9872
7590	01/06/2005		EXAMINER	
Smith Gambrell & Russell LLP Beveridge DeGrandi Weilacher & Young Intellectual Property Group 1850 M Street NW Suite 800 Washington, DC 20036			KIBLER, VIRGINIA M	
			ART UNIT	PAPER NUMBER
			2623	
DATE MAILED: 01/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/667,534	SETA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Virginia M Kibler	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 August 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-21 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment received on 8/19/04 has been received. Claims 1-21 remain pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasui et al. (JP 06-341837).

Regarding claim 1, Yasui et al. (“Yasui”) discloses a stereo imaging means for stereoscopically taking a pair of images including a reference image and a comparison image (0014-0015), a parallax calculating means 14, 19 for calculating a parallax based on the pair of images by calculating a horizontal deviation amount between the reference and comparison images (0010-0011; 0014-0022), a distance calculating means 101 for calculating a distance to an object based on the parallax and a first parameter for correct the distance (0014-0025), and approximation line calculating means for calculating a plurality of approximation lines extending in the distance direction in parallel with each other based on the images (0014-0015), a vanishing point calculating means 12 for calculating a vanishing point of the images from a point of intersection of the approximation lines, and a parameter correcting means for correcting the first parameter based on the vanishing point (0023-0025).

Regarding claim 2, Yasui discloses a reference object detecting means for detecting a plurality of reference objects extending in the distance direction in parallel with each other from a scenery projected in the images and for identifying a position of the reference objects in an image plane of the images (0010).

Regarding claim 3, Yasui discloses the vanishing point calculating means calculates an approximation line in the image plane for respective reference objects, when a plurality of reference objects are detected by the reference objects detecting means (0014-0015).

Regarding claim 4, Yasui discloses the reference objects are lane markers on a road projected in the images and when left and right lane markers are detected on the road, the vanishing point calculating means calculates an approximation line in the image plane for the respective left and right lane markers (0007).

Regarding claim 5, Yasui discloses the vanishing point calculating means calculates the approximation line based on the left and right lane markers existing within a specified distance range (0017-0020).

Regarding claim 8, Yasui discloses the vanishing point calculating means judges whether or not a lane marker projected in the images is a straight line and in case where it is judged that the lane marker is a straight line, calculates the vanishing point of the images (0017-0019).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui et al. (JP 06-341837).

Regarding claim 11, the arguments analogous to those presented above for claim 1 are applicable to claim 11. Yasui does not appear to expressly state a transforming means for geometrically transforming the pair of images. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the pair of stereo images disclosed by Yasui to include a geometrically transformation because it is well known and routinely implemented in the art to synthesize the geometric relationship between the images in order to recreate the depth dimension.

Regarding claims 12-15 and 18, the arguments analogous to those presented above for claims 2-5 and 8 are applicable to claims 12-15 and 18, respectively.

6. Claims 6, 9, 10, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui et al. (JP 06-341837) as applied to claims 1, 11, and 20 above, and further in view of Saneyoshi et al. (US 5,410,346).

Regarding claims 6 and 16, Yasui does not appear to recognize calculating a lane marker model. However, Saneyoshi et al. (“Saneyoshi”) teaches that it is known to include a lane marker model expressing the change of a road surface height with respect to distance and identify a condition of change of an actual road surface height and correct parameters so that the condition of change of calculated road surface height comes close to the condition of change of the actual road surface height (Col. 3, lines 34-68; Col. 15, lines 9-62). Therefore, it would have been obvious to one of ordinary skill in the art the time of the invention to have modified

vanishing point calculating means disclosed by Yasui to include a lane marker model as taught by Saneyoshi because it allows for a precise distance to be obtained by a relative discrepancy of the position in the left and right pictures.

Regarding claims 9 and 19, Yasui does not appear to recognize including a time-versus change of the position of a lane marker projected in the images. However, Saneyoshi teaches that it is known to include a time-versus change of the position of a lane marker (Col. 16, lines 4-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the vanishing point calculating means disclosed by Yasui to include a time-versus change of the position of the lane markers as taught by Saneyoshi because it is well known and allows for change in the road shape due curves or unevenness.

Regarding claim 10, Yasui discloses the parameter as a vanishing point parallax (0010-0011).

7. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui et al. (JP 06-341837) in view of Saneyoshi et al. (US 5,410,346) as applied to claims 4 and 14 above, and further in view of Azuma et al. (US 6,163,337).

Regarding claims 7 and 17, the arguments analogous to those presented above for claim 6 are applicable to claims 7 and 17. Yasui and Saneyoshi do not appear to recognize including the use of gradients. However, Azuma et al. (“Azuma”) teaches that it is known to include gradients to evaluate the reliability of parallax estimation (Col. 15, lines 17-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the reference object detecting means and lane marker model disclosed by Yasui and Saneyoshi to

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include the use of gradients as taught by Azuma because it a methodology routinely implemented in the art and evaluates the reliability of parallax estimation across an object's contour line.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui et al. (JP 06-341837) in view of Kise (JP 10-307352).

Regarding claim 20, the arguments analogous to those presented above for claim 1 are applicable to claim 20. Yasui discloses a vanishing point correcting means (0037), but does not appear to disclose correcting an established vanishing point so that the established vanishing point comes close to said vanishing point calculated by said vanishing point calculating means. However, Kise discloses correcting an established vanishing point so that the established vanishing point comes close to a calculated vanishing point (0019-0028; 0034-0040). At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the correcting means disclosed by Yasui to include correcting an established vanishing point because it is well known in the art and increases the efficiency of the system. Therefore, it would have been obvious to combine Yasui with Kise to obtain the invention as specified in claim 20.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui et al. (JP 06-341837) and Kise (JP 10-307352) as applied to claim 20 above, and further in view of Saneyoshi et al. (US 5,410,346).

Regarding claim 21, Yasui and Kise do not appear to recognize including a time-versus change of the position of a lane marker projected in the images. However, Saneyoshi teaches that it is known to include a time-versus change of the position of a lane marker (Col. 16, lines 4-32). It would have been obvious to one of ordinary skill in the art at the time of the invention to

have modified the vanishing point calculating means disclosed by Yasui and Kise to include a time-versus change of the position of the lane markers as taught by Saneyoshi because it is well known and allows for change in the road shape due curves or unevenness. Therefore, it would have been obvious to combine Yasui and Kise with Saneyoshi to obtain the invention as specified in claim 21.

***Response to Arguments***

10. Applicant's arguments filed 8/19/04 have been fully considered but they are not persuasive.

Summary of Applicant's Argument: Yasui does not disclose calculating a parallax based on reference and comparison images by calculating a horizontal deviation amount between the images. Yasui does not disclose calculating a distance to an object based on the parallax and a first parameter.

Examiner's Response: Yasui discloses a stereo pair of images including a reference image and a comparison image (Drawing 4). Yasui discloses calculating a parallax based on the pair of images by calculating a horizontal deviation amount of the left image and a horizontal deviation amount of the right image (0014-0022), and utilizing both horizontal deviations (0022), thereby calculating a horizontal deviation amount between the reference and comparison images. Yasui further discloses calculating a distance to an object based on the parallax and a first parameter for correct the distance as indicated in 0014-0025.

11. Applicant's arguments with respect to claim 20 have been considered but are moot in view of the new ground of rejection.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia M Kibler whose telephone number is (703) 306-4072. The examiner can normally be reached on Mon-Thurs 8:00 - 5:30 and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Virginia Kibler can be reached on (703) 306-4072. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Virginia Kibler*

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01/05/05

**MEHRDAD DASTOURI**  
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